

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 6 and 10 have been amended. Claims 5 and 7 have been cancelled. Thus, claims 1-4, 6, and 8-13 are pending.

The Specification has been amended to correct the item number of the scarifier 22.

Claims 1, 2, 4, 9, 11, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Meurer '863 in view of Ihm. Claim 3 stands rejected as being unpatentable over Meurer '863 in view of Ihm and further in view of Pratt, claims 5-7 stand rejected as being unpatentable over Meurer '863 and Ihm and further in view of Lindstrom. Finally, claim 13 stands rejected as being unpatentable over Meurer '863 in view of Ihm and Staben , Jr.

Claim 1 has been amended to define the invention more clearly and thus, obviate the rejections. In particular claim 1, as amended, recites that the teeth are coupled to a common rotatable shaft, and the linkages are constructed and arranged to transfer generally horizontal linear motion of the piston to generally vertical linear motion and then to rotational motion to rotate the common rotatable shaft. The prior art of record does not teach or suggest such a linkage for causing rotation of the common shaft. Lindstrom merely teaches that linear movement of cylinder 5 results in rotational movement of holder 24. There is no generally vertical movement, caused by generally horizontal movement, in Lindstrom that results in a rotational movement of a common shaft. Thus, claim 1 and the claims that depend there-from are considered to allowable over the prior art of record.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Meurer '863 in view of Ihm and further in view of Meurer '650. This rejection is improper since Meurer '650 cannot be applied as prior art to the subject application. The subject application was filed by the same inventor as Meurer '650 on March 22,

2004. The Meurer '650 patent was published on April 15, 2003, which is not more than one year before prior to the date of the application for patent (March 22, 2004). Therefore, the rejection is improper since Meurer '650 is not available as a reference under U.S.C. 102(b). Also, since the applicant and the inventor of Meurer '650 are the same person, Meurer '650 is not prior art under 35 U.S.C. 102(a). See In re Katz, 215 U.S.P.Q. 14 (C.C.P.A. 1982). Claim 10 has been placed in independent format and is considered to be in condition for allowance.

The Examiner indicated that claim 6 contains allowable subject matter. Claim 6 has been placed in independent format and is considerer to be in condition for allowance along with dependent claim 8.

All objections and rejections having been address, it is respectfully submitted that all pending claims are in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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